

OPINION
63-163

July 2, 1963 (OPINION)

LIVESTOCK

RE: Brands - Position of

Your letter of June 31, 1963, is acknowledged.

You relate as follows:

"We request an opinion in regard to recording livestock brands for hips of cattle with two or more characters of which one is a number.

"According to the North Dakota Livestock Brand Law, Chapter 36-09, section 02 of the 1960 North Dakota Century Code, is it permissible to record a brand for hips of cattle with two or more characters of which one character is a number."

Section 36-09-02, at subsection 3 thereof, of the North Dakota Century Code, provides as follows:

" * * *

3. Indicating clearly the place or position upon each kind of livestock where such brand is to be placed, except that the hips of any cattle shall not be used for registered numerical brands, but shall be used exclusively for numbers used for the individual identification of each animal.* * *" (Emphasis supplied.)

The subsection quoted above appears to be very clear in respect to the question you have asked. The language used contains a specific prohibition and very clearly provides that the hips of cattle shall be used exclusively for numbers used for the individual identification of the animals. We do not believe the subsection quoted above can be interpreted or construed further, due to the language used therein.

Therefore, we are impelled to the conclusion that section 36-09-02, subsection 3, of the North Dakota Century Code, prohibits the use of a brand which contains both "characters" or "alphabet letters" and numbers on the hips of the animals in question.

HELGI JOHANNESON

Attorney General